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# BACKGROUND

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## CANADIAN AND UNITED STATES WILDLIFE OFFICERS DISMANTLE MAJOR ENDANGERED SPECIES SMUGGLING OPERATION

Since March 2006, Wildlife Officers employed by Environment Canada's Enforcement Branch located in Halifax, Quebec City, Montreal, Toronto and Vancouver, in close cooperation with Special Agents employed by the United States Fish and Wildlife Service (USFWS) in Miami, Florida, and United States National Oceanic and Atmospheric Administration have been working diligently to unravel a complex wildlife smuggling scheme alleged to have taken large quantities of queen conch, an endangered shellfish, out of Caribbean waters and unlawfully transported it to customers in Canada and the United States.

### THE QUEEN CONCH

Queen conch (*Strombus gigas*), pronounced "conk" and also known as pink conch, is a large mollusc indigenous to the waters of 36 Caribbean countries and is widely sought after as a seafood delicacy. It lives in waters 10 to 30 metres in depth and plays an important role in the sea-bottom ecosystem by eliminating dead seagrass and other detritus. The maximum longevity of the queen conch is 20 to 30 years. Sexual maturity is reached after approximately five years; reproduction does not occur where there are less than 56 individuals per hectare and levels of at least 200 individuals per hectare are required to maintain local population.

It is an endangered species subject to world-wide controls placed upon its import and export by the 172 member countries of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES). The CITES is implemented by the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRITA) in Canada, and by the *Endangered Species Act* (ESA) in the United States.

Controls consist of a permit system wherein importers or exporters of endangered species must, prior to the import or export occurring, obtain an import or export permit that must accompany the shipment. The amount of trade allowed is based on extensive scientific analysis of the endangered species in question.

Queen conch has been protected by CITES since 1992 following a collapse in wild populations largely as a result of over fishing in the 1980s and 1990s. Limited trade in queen conch is allowed and all imports or exports must be accompanied by a CITES export permit from the country of origin or CITES re-export permit from the country of re-export. This control measure ensures that trade will not threaten the survival of the species. Under CITES, species are protected according to a classification system. Wildlife species listed in Appendix II of CITES (such as queen conch) are species that are not necessarily threatened with extinction, but may become so unless trade is strictly regulated. As an Appendix II species, queen conch shipments crossing borders require CITES permits from the country of export or re-export.

In September, 2003 an embargo was put in place by CITES for queen conch and conch products that originated from many of the conch producing countries in the Caribbean in an effort to help stem significant declines in the species' population.

### **THE SMUGGLING ACTIVITIES**

The alleged smuggling activities came to light in March 2006, when a United States Fish and Wildlife Service (USFWS) inspector stationed at Buffalo, New York, examined a truck load of seafood destined for Florida. The inspector discovered 2,100 pounds of what was suspected to be queen conch meat on board the vehicle. The queen conch meat was in packages marked "Fresh Frozen-Peeled Conch Meat", however these were contained in outer packaging marked differently as "Frozen Whelk Meat, Product of Canada".

"Whelk" (*Buccinum undatum*), is also a large mollusc indigenous to the mid-Atlantic but is not an endangered species, therefore not subject to CITES controls. It is not native to Caribbean waters and is a cheap but undesirable substitute for queen conch.

The USFWS inspector noted that no Canadian CITES Re-Export Permit accompanied the queen conch discovered in the truck. Failure to ensure the appropriate CITES Export Permit accompanies an endangered species such as queen conch becomes an offence in Canada under Section 6(2) of WAPPRIITA and in the United States under the ESA.

The USFWS inspector obtained samples of the "Whelk" meat suspected to be queen conch for the purposes of DNA analysis and detained the remainder of the load. The samples were submitted the following day to the USFWS's Forensic Laboratory located in Ashland, Oregon. Scientific testing showed the meat to indeed be queen conch.

During the following months, inspections of shellfish meat imports from the Caribbean were organized to ensure compliance with the law; in cases where DNA analysis resulted in infractions being uncovered, the goods were detained and investigations were launched.

Two inspections resulted in the interception of queen conch meat: one in November 2006 in Montréal of 9886 kilograms (21,750 lbs.) and one in Halifax consisting of 17,672 kilograms (38,880 lbs.) in December 2006.

Assistance was obtained from the Canada Border Services Agency, the Canadian Food Inspection Agency, the U.S. Department of Commerce – NOAA Fisheries Enforcement Division, the U.S. Food and Drug Administration, Florida State Fish and Wildlife Authorities as well as the Trent University Natural Resources DNA Profiling and Forensics Centre in Peterborough, Ontario. Search warrants were obtained and executed concurrently in Toronto, Vancouver and Miami. In addition to state of the art DNA forensic technologies being used, modern intelligence gathering and charting methodologies were employed and video/audio statements obtained.

## THE ALLEGATIONS

As a result of those investigations, Environment Canada Wildlife Enforcement and USFWS Officers allege that:

- Between September 29, 2003 and December 31, 2006, about 119,978 kilograms (263,593 lbs., street value of more than \$2.6 million U.S. dollars) of queen conch had been taken from Caribbean waters and unlawfully imported to the United States and Canada from the Dominican Republic, Haiti, Jamaica and Columbia. An analysis prepared by Environment Canada and Florida State Fish and Wildlife experts identified that this weight represents between 798,000 and 1.05 million conch – a staggering number when dealing with an endangered species. Of this nearly 120 metric tonnes that are documented, approximately 27 tonnes were intercepted in Canada and one tonne in the United States. Investigators have learned from documents obtained during search warrants carried out in 2007 that an additional 92 tonnes of illegally imported and/or exported queen conch were sold on the open market in Canada and the U.S. between 2004 and 2006. Although charges have been laid, investigation is continuing. While charges have been laid, under Canadian law, those charged are presumed innocent until proven guilty.
- According to the information filed in this matter, other court documents, and a statement of facts presented by the U.S. Attorney in Court in the Southern Judicial District of Florida, Janitse Martinez, president of Caribbean Conch Inc. and Ramon Placeres, owner of Placeres and Sons Seafood Inc., both located in Hialeah, Florida, conspired to violate the *Lacey Act* for the purpose of unlawfully introducing CITES and ESA protected queen conch into the United States and Canada for commercial sale. The information filed against the two defendants alleges that between May 1, 2004 through November 2006 with known and unknown coconspirators the defendants caused queen conch to be imported into Canada and the United States without proper permits and in some cases falsely labeled as a cold water species of whelk. The charges in the information are merely accusations and the defendant is presumed innocent until and unless proven guilty.

- One charge for unlawfully importing as well as one for exporting queen conch contrary to the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA) have also been laid against Placeres and Sons Seafood Inc., Ramon Placeres and Janitse Martinez. A first court date has been set for November 6, 2007 in Halifax, Nova Scotia. While charges have been laid, those charged are presumed innocent until proven guilty.
- Twelve charges under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA) were laid against Pacific Marine Union Corp. of Vancouver, BC and its CEO, Zamorro Gabriel Shone, also of Vancouver, BC. First appearance in Vancouver Provincial Court for both accused is scheduled for 9:00 a.m. on October 10, 2007. No plea has been entered pending first appearance in court. Under Canadian law, those charged are presumed innocent until proven guilty.

## THE ITINERARY

- The major routes utilized by the companies and individuals involved were:
  - From the Dominican Republic by sea and rail to Toronto, then on to Miami using road transport,
  - From Haiti to Toronto by air then on to Miami using road transport,
  - From Colombia to Halifax by sea then on to Montreal by rail, and
  - From Montreal to Halifax by rail with and intended destination of Honduras.
- Information obtained under oath indicates that one shipment of queen conch, while still in the Caribbean, was exchanged for a quantity of narcotics.
- Considerable quantities of queen conch imported into Canada and the United States were consumed in domestic markets.
- The investigation is ongoing.

The approximately 28,500 kg (63,000 lbs) of queen conch currently under detention by wildlife officials in Canada and the United States, are subject to forfeiture under WAPPRIITA and the ESA. These quantities of conch are now believed to be in excess of three or four years old and are unfit for human consumption.

In Canada, offences under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* are punishable upon conviction to a maximum fine of \$300,000 or imprisonment up to five years, or both. In the United

States, the *Lacey Act* makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported or sold, in violation of any law or regulation of any State, Federal or foreign law. The *Lacey Act* provides for penalties of up to five years imprisonment or a fine of up to twice the gain or loss of the relevant conduct or both upon conviction. In this case the fine could exceed \$1,000,000 US.

## **FOR FUTHER INFORMATION ON CITES**

[www.cites.ca](http://www.cites.ca)

[www.cites.org](http://www.cites.org)

U.S. Fish and Wildlife Service Office of Enforcement

[www.fws.gov/le/](http://www.fws.gov/le/)

Environment Canada's Enforcement Branch, Wildlife Enforcement

[http://www.cws-scf.ec.gc.ca/enforce/index\\_e.cfm](http://www.cws-scf.ec.gc.ca/enforce/index_e.cfm) (English)

[http://www.cws-scf.ec.gc.ca/enforce/index\\_f.cfm](http://www.cws-scf.ec.gc.ca/enforce/index_f.cfm) (français)